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Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

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Paul Edelman
Santa Monica Mountains Conservancy
5810 Ramirez Canyon Road
Malibu, CA 90265

WATER QUALITY CERTIFICATION FOR PROPOSED HABITAT RESTORATION AT EDELMAN PARK PROJECT (Corps' Project No. 2000-01029-PJF), TOPANGA CANYON CREEK, UNINCORPORATED LOS ANGELES COUNTY-TOPANGA CANYON (File No. 03-205)

Dear Mr. Edelman,

Regional Board staff has reviewed your request on behalf of the Santa Monica Mountains Conservancy (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 7, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

[Original signed by]
Dennis A. Dickerson
Executive Officer

[June 15, 2004]
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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Project Information File No. 03-205

1. Applicant: Santa Monica Mountains Conservancy
5810 Ramirez Canyon Road
Malibu, CA 90265

Phone: (310) 589-3200 Ext. 128 Fax: (310) 589-3210
2. Applicant's Agent: Angie Small
Mountains Recreation and Conservation Authority
5810 Ramirez Canyon Road
Malibu, CA 90265

Phone: (310) 589-3200 Ext. 263 Fax: (310) 589-3210
3. Project Name: Habitat Restoration at Edelman Park
4. Project Location: Topanga Canyon, Los Angeles County

Longitude: 118° 35' 51"; Latitude: 34° 7' 39"
5. Type of Project: Riparian restoration and stream stabilization
6. Project Description: *Purpose:*
The proposed project is for the restoration of approximately 1.05 acres of valley foothill riparian habitat in and around Topanga Creek near the headwaters. The goal of this restoration project is to re-establish a self-sustaining native riparian Oak and Walnut Woodland, related understory and buffer areas.

Restoration:
The project includes removal of non-native trees and replacement with natives. The native trees to be planted include:
 - ♣ Black walnut (*Juglans californica*)
 - ♣ Coast Live Oak (*Quercus agrifolia*)
 - ♣ Valley Oak (*Quercus lobata*)
 - ♣ Mexican Elderberry (*Sambucus mexicana*)

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- ♣ Fremont Cottonwood (*Populus Fremontedendron*)
- ♣ Mule fat (*Baccharis salsifolia*)
- ♣ Arroyo Willow (*Salix lasiolepis*)
- ♣ California blackberry (*Rubus ursinus*)
- ♣ Lemonade berry (*Rhus ilicifolia*)
- ♣ Wild Rose (*Rosa californica*)
- ♣ Coffeeberry (*Rhamnus californica*)
- ♣ Toyon (*Heteromeles arbutifolia*)
- ♣ Mugwort (*Artemisia douglasiana*)
- ♣ Giant Wild Rye (*Leymus condensatus*)

Bank Stabilization:

Another major objective of the proposed project is to redistribute approximately 4,000 cubic yards of fill material which was pushed onto the creek bed and into the creek many years ago. This fill material significantly constricted the functional channel flood plain. The resulting overly steep bank does not provide the stability or substrate to support native tree vegetation and is heavily overgrown with thistle. At the steepest points, the slope is currently at a 45-degree angle and the bank height is about 12-14 feet. The hydrological result is an increase of flow velocity and significant down cutting of the main channel. The purpose of the grading in this area is to remove the fill and re-create a natural floodplain; thereby providing a widened area for the planting of native riparian vegetation. In addition, the widening will prevent the future loading of the stream system with sediment derived from the successive erosion of the artificial fill. Grading will respect the location of existing native vegetation. Any native plant materials disturbed during the process will be replanted in the same location or another suitable location on-site.

Also, the connecting tributary stream which runs from east to west was filled in many years ago. Rainfall and surface flow primarily infiltrates the fill and reaches the main creek underground. However, significant head-ward erosion at the confluence site suggests that there is over-land flow during the greatest storm events. This head-ward erosion will ultimately result in the creation of a new tributary channel as it cuts down into the artificial fill to reach a new equilibrium slope. If left unaltered, this will significantly increase the amount of sediment loading of the main stream. This area will be stabilized by cut and fill methods, in order to remove the fill that was placed in the stream and restore the

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channel to more of a natural condition. This area will also be planted with native vegetation, in order to help reduce erosion and stabilize the area.

- | | |
|---|--|
| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 27 (Permit No. 2000-01029-PJF) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California
Environmental Quality
Act (CEQA)
Compliance: | <p>The proposed project is Categorically Exempt from CEQA; pursuant to the following CEQA Guidelines:</p> <ul style="list-style-type: none">• Section 15304 (Minor Alterations to Land);• Section 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources); and• Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment). |
| 10. Receiving Water: | Topanga Canyon Creek (Hydrologic Unit No. 404.11) |
| 11. Designated Beneficial
Uses: | <p>MUN*, REC-1, REC-2, WARM, COLD, WILD, MIGR, SPWN</p> <p>* Potential beneficial use</p> |
| 12. Impacted Waters of the
United States: | Non-wetland waters (vegetated streambed): 1.05 temporary acres |
| 13. Dredge Volume: | None |

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14. Related Projects Implemented/to be Implemented by the Applicant:
- The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- All grading will be performed during dry weather;
 - All upland soil fill areas will be adequately compacted and contoured to minimize erosion;
 - Approximately 1000 containerized native plants and additional native seed mix will be used to stabilize slopes; and
 - Vegetated swales will be created to encourage ground water recharge, prohibit runoff from entering Topanga Creek, and minimize surface erosion of all exposed surfaces.
16. Required Compensatory Mitigation:
- The proposed project is restorative in nature and the Regional Board will not require any additional compensatory mitigation.

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Conditions of Certification File No. 03-205

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

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4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

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10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
12. The Applicant shall restore the proposed **1.05 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
13. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
14. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities actually performed during the previous year and all restoration efforts, including, percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project conditions;

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- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits as required in Additional Condition 1;
 - (e) Water quality monitoring results compiled in an easy to interpret format; and
 - (f) A certified Statement of “no net loss” of wetlands associated with this project.
15. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the proposed work area; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
16. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
17. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:
- “I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true,

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accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **03-205**. Submittals shall be sent to the attention of the 401 Certification Staff.
19. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
20. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
21. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
22. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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23. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
24. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.